REMARKS

The following remarks are made in response to the Non-Final Office Action mailed May 4, 2004. In that Office Action, the Examiner rejected claims 1-8, 10-15, 17-24, and 26-29 under 35 U.S.C. §103(a) as being unpatentable over Anderson, U.S. Patent No. 6,427,165 ("Anderson") in view of Alexander et al., U.S. Patent No. 6,134,593 ("Alexander"). Claims 9, 16, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson in view of Alexander as applied to claims 1, 14, and 17, and further in view of Barrett et al., U.S. Patent No. 5,647,056 ("Barrett").

With this Response, Applicants respectfully traverse the Examiner's rejections of claims 1-29. Claims 1-29 remain pending in the application and are presented for reconsideration and allowance.

35 U.S.C. §103 Rejections

The Examiner rejected claims 1-8, 10-15, 17-24, and 26-29 under 35 U.S.C. §103(a) as being unpatentable over Anderson in view of Alexander. Applicants respectfully submit that Anderson in view of Alexander does not teach or suggest the limitations of independent claims 1, 14, and 17.

Independent claim 1 recites a method of installing components of a software product on a first network server device coupled to a network, the components of the software product providing the first network server device the capability to provide a first service to a plurality of server-assisted network devices coupled to the network. The method comprises automatically detecting with the first network server device a first set of server-assisted network devices coupled to the network that are eligible to use the first service, automatically transmitting device information based on the detected server-assisted network devices to a second network server device, receiving license information from the second network server device based on the transmitted device information, and automatically installing components of the software product on the first network server device.

Anderson discloses a method and apparatus for selectively obtaining information over a network with an information handling system 100 coupled to the network. The method includes steps for searching the network for the information based upon a predetermined

criterion, locating the information on a node of the network where the information is stored, determining a parameter value of the node where the information is stored, and displaying the determined parameter value in conjunction with a link to the node whereby a determination may be made whether to obtain the information from the node based upon the determined parameter value. (See, e.g., Anderson at col. 1, line 62 - col. 2, line 6).

Alexander discloses a method for a user to automatically order, unlock and pay for a vendor software application via an automated telephone and/or internet system. The user, proximate to a client device, requests access to at least a portion of a vender software application generally via the application itself. If access is not allowed, the user transmits product distribution and installation identifiers to a server. The server processes the identifiers and transmits a password to the user based thereon, wherein the user enters the password at the client to gain access to and execute that portion of the vendor software application to which access was previously denied. The method also provides for processing payment for the vendor software application before access is granted thereto. (See, e.g., Alexander at col. 2, lines 8-22).

Anderson and Alexander, either alone, or in combination, do not teach or suggest "a method of installing components of a software product on a first network server device coupled to a network, the components of the software product providing the first network server device the capability to provide a first service to a plurality of server assisted network devices coupled to the network", as recited in independent claim 1. The Examiner stated that "[r]egarding claim 1, Anderson discloses a method (7:56 – 9:19) ... of installing components of a software product ..." (Office Action at para. no. 5, page 2). The method disclosed in Anderson referred to by the Examiner discloses a method for selectively obtaining *information* over a network with an information handling system, and does not teach or suggest *installing components* of a *software product* to provide a *first service* to a *plurality of server assisted network devices*.

Anderson and Alexander, either alone, or in combination, do not teach or suggest "automatically detecting with the first network server device a first set of server-assisted network devices coupled to the network that are eligible to use the first service", as recited in independent claim 1. The Examiner indicated that the predetermined parameters disclosed in

Anderson are used for automatically detecting with the first network server device a first set of server assisted network devices coupled to the network that are eligible to use the first service. (Office Action at para. no. 6, page 2). The predetermined parameters of Anderson refer to parameter values of nodes where requested information can be obtained. The parameter values include values such as connection speed, download time, time of node availability, node capacity, node loading, etc. (See, e.g., Anderson at col. 4, lines 49-53). The predetermined parameter values do not identify *server-assisted network devices* coupled to the network that are *eligible* to use the *first service.*

Anderson and Alexander, either alone, or in combination, do not teach or suggest "automatically transmitting device information based on the detected server-assisted network devices to a second network server device", as recited in independent claim 1. The Examiner indicated that this limitation is disclosed in column 7, lines 4-10 of Anderson, which states: "Such an application may be for content 'pushing' type programs that may be constantly updated wherein the program automatically gathers information from the network and downloads the information to information handling system 100 without intervention by the user. The nodes or servers from which information is pushed to information handling system 100 may be based upon the predetermined parameter values, and not merely upon content of the nodes alone." Anderson does not teach or suggest automatically transmitting *device information* based on the *detected server-assisted network devices* to a *second network server.*

Anderson and Alexander, either alone, or in combination, do not teach or suggest "receiving license information from the second network server device based on the transmitted device information", as recited in independent claim 1. The Examiner acknowledged that Anderson does not disclose receiving license information from the second network server device based on the transmitted device information. (Office Action at para. no. 2, page 3). The Examiner stated that Alexander discloses an installer identifier that identifies licensing information for verification purposes during installing in a distributed environment. (Office Action at para. no. 2, page 3). However, Alexander does not teach or suggest transmitting *device information* to a second network server device. Therefore, the system disclosed in Alexander does not receive license information based on transmitted

device information. Rather, Alexander discloses transmitting software identifiers, which is not device information, and receiving a password to access the software. (See., e.g., Alexander at col. 7, lines 15-32).

Anderson and Alexander, either alone, or in combination, also do not teach or suggest "automatically installing components of the software product on the first network server device", as recited in independent claim 1. The Examiner stated that this limitation is disclosed in column 7, lines 5-8 of Anderson, which state: "Such an application may be for content 'pushing' type programs that may be constantly updated wherein the program automatically gathers information from the network and downloads the information to information handling system 100 without intervention by the user." Anderson discloses downloading *information*. Anderson does not teach or suggest *installing components of the software product* on the first network server device.

In view of the above, Anderson and Alexander do not teach or suggest each and every limitation of independent claim 1. There is also no teaching or suggestion to combine Anderson with Alexander. The Federal Circuit has stated "[i]n holding an invention obvious in view of a combination of references, there must be some suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to select the references and combine them in the way that would produce the claimed invention." *Karsten Manufacturing Corp. vs. Cleveland Golf Co.*, 58 U.S.P.Q.2d 1286, 1293 (CAFC 2001). Anderson relates to information gathering while Alexander relates to automatically ordering and unlocking software on a user's system. The two disclosures are in two different technical areas and are not related to one another. There is no suggestion to combine the references in any manner, let alone in a manner that would produce the claimed invention.

In view of the above, independent claim 1 is not taught or suggested by Anderson and Alexander, either alone, or in combination. The Applicant respectfully traverses the rejection of claim 1, and reconsideration and allowance of claim 1 is respectfully requested. Dependent claims 2-8 and 10-13 further limit patentably distinct claim 1, and are believed to be allowable over the cited references. Reconsideration and allowance of claims 2-8 and 10-13 is respectfully requested.

Anderson and Alexander, either alone, or in combination, do not teach or suggest the limitations of independent claim 14. Independent claim 14 recites a network server device configured to facilitate the installation of components of a software product, the components of the software product providing the network server device the capability to provide a first service to a plurality of server-assisted network devices coupled to the network. The network service device comprises a controller configured to automatically detect a first set of server-assisted network devices coupled to the network that are eligible to use the first device, a transmitter for automatically transmitting device information based on the detected server-assisted network devices to a second network server device, and a receiver for receiving license information from the second network server device based on the transmitted device information. The controller is further configured to automatically install components of the software product on the network server device.

For the same reasons as discussed above with reference to claim 1, Anderson and Alexander, either alone, or in combination, do not teach or suggest the limitations of independent claim 14. The Applicant respectfully traverses the rejection of claim 14, and reconsideration and allowance of claim 14 is respectfully requested. Dependent claim 15 further limits patentably distinct claim 14, and is believed to be allowable over the cited references. Reconsideration and allowance of claim 15 is respectfully requested.

Anderson and Alexander, either alone, or in combination, do not teach or suggest the limitations of independent claim 17. Independent claim 17 recites a computer readable medium having computer-executable instructions for performing a method of installing components of a software product on a first network server device coupled to a network, the components of the software product providing the first network server device the capability to provide a first service to a plurality of server-assisted network devices coupled to the network. The method comprises automatically detecting with the first network server device a first set of server assisted network devices coupled to the network that are eligible to use the first service, automatically transmitting device information based on the detected server-assisted network devices to a second network server device, receiving license information from the second network server device based on the transmitted device information, and

automatically installing components of the software product on the first network server device.

For the same reasons as discussed above with reference to claim 1, Anderson and Alexander, either alone, or in combination, do not teach or suggest the limitations of independent claim 17. The Applicant respectfully traverses the rejection of claim 17, and reconsideration and allowance of claim 17 is respectfully requested. Dependent claims 18-24 and 26-29 further limit patentably distinct claim 17, and are believed to be allowable over the cited references. Reconsideration and allowance of claims 18-24 and 26-29 is respectfully requested.

Claims 9, 16, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson in view of Alexander as applied to claims 1, 14, and 17 and further in view of Barrett. Dependent claim 9 depends upon independent claim 1. Dependent claim 16 depends upon independent claim 14. Dependent claim 25 depends upon independent claim 17. As described above, Anderson and Alexander do not teach or suggest several limitations of claims 1, 14, and 17. Barrett also does not teach or suggest these limitations of claims 1, 14, and 17. In view of the above, claims 9, 16, and 25, which further limit patentably distinct claims 1, 14, and 17, respectively, are believed to be allowable over the cited references. Reconsideration and allowance of claims 9, 16, and 25 is respectfully requested.

CONCLUSION

In view of the above, Applicants respectfully submit that pending claims 1-29 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-29 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either James R. McDaniel at Telephone No. (208) 396-4095, Facsimile No. (208) 396-3958 or Jeff

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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2nd day of August, 2004.

By
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